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| 09/755,978 | 01/05/2001 | Martin Roos | 4484 US | 4757 |

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Martin A. Farber
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EXAMINER

HO, THOMAS Y

| | |
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| ART UNIT | PAPER NUMBER |
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3677

DATE MAILED: 12/05/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/755,978

Applicant(s)

ROOS, MARTIN

Examiner

Thomas Y Ho

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 August 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 8/28/03 has been entered.

Claim Objections

Claims 1-6 and 8-9 are objected to because of the following informalities:

As to claims 1 and 9, the phrase "outside door via" should be corrected to --outside door handle via---.

As to claims 2-6 and 8, applicant refers to parts 40,42 as drive elements in claim 1 (claims 2-6 and 8 depend from claim 1), but then refers to parts 40,42 as driver elements in claims 2-6 and 8. Applicant should choose only one name for the claimed structure to maintain consistency. Appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-6 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mitsui US5618068 in view of Dowling US5893593. Applicant is directed to the application provided in

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the IDS as GB2295642A also to Mitsui, which discloses a similar invention to that of Mitsui US5618068.

As to claim 1, Mitsui discloses, an operating arrangement (Figures 11-13) for a sliding door 3 (the limitation “for a sliding door” is intended use and holds little patentable weight; the structure of the operating arrangement is not further defined by the type of door, and the door is only the environment surrounding the claimed invention), comprising: a door lock 13, a latching device 14 which can be arrested in a positive-locking manner, and inside door operating means 65 having an inside door handle, and outside door operating means 5 having an outside door handle, and a plurality of connecting elements 63,66,78 including a first connecting element 66 coupled to the inside door operating means, a second connecting element 63 coupled to the outside door operating means 5, and a third connecting element 78 coupled to the latching device 14, a driven element 62,68,112 drivable by either one of the inside door handle and the outside door via respectively the first connecting element 66 or the second connecting element 63 to act on the latching device via the third connecting element 78, wherein the door lock 13 and the latching device 14 are able to be operated mechanically by the door handles via said plurality of connecting elements 63,66,78, and logical functions for locking/unlocking the sliding door are realized in the door lock 13, and wherein the connecting elements 63,66,78 are provided with drive elements (bent ends of 63,66,78) located between the two door handles 5,65 and the door lock 13 at a distance from the door lock 13, to effect the drivability of the driven element 62,68,112 by either one of the door handles 5,65 (col.5, ln.55-68; col.6, ln.10-20, ln.40-60), and wherein the first connecting element 66 is uncoupled from the second connecting element 63 enabling the first and the second connecting elements to move independently of each other.

The difference between the claim and Mitsui is the claim recites, the latching device serves for holding the sliding door in its open position; this limitation holds little patentable weight because it is functional language and does not further define a structural element of the operating arrangement. Nevertheless, Dowling discloses a sliding door operating arrangement similar to that of Mitsui. In addition, Dowling further teaches that a latching device L, located in a similar position relative to the door as compared to the latching device 14 of Mitsui, can be used to keep a door latched in the open position. Furthermore, Dowling also teaches that a hold-open latch L can be incorporated into an operating arrangement in conjunction with a hold-close latch D, and to latch L released by actuation of the door handles (col.2, ln.45-55; col.4, ln.55-68). It would have been obvious to one of ordinary skill in the art, having the disclosures of Mitsui and Dowling before him at the time the invention was made, to use the latching device 14 of Mitsui as a hold-open latch, as in Dowling, to obtain a door that can be maintained in an open position. Though Mitsui discloses latching device 14 as a hold-close latch, the function of the latching device bears no relevance on the structure of the operating arrangement claimed, and it is clear from Dowling that a latching device located on the edge of the door, as in Mitsui, can be used as a hold-open latch.

Alternatively, it would also have been obvious to one of ordinary skill in the art, having the disclosures of Mitsui and Dowling before him at the time the invention was made, to modify the operating arrangement of Mitsui to have a hold open latch L with a hold close latch, actuatable by the operating arrangement and handles, as in Dowling, to obtain a sliding door having both a hold close latch and a hold open latch. One would have been motivated to make such a

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combination because the ability to hold the sliding door in both closed and open positions would have been obtained, as taught by Dowling (col.4, ln.55-67).

As to claim 2, Mitsui discloses, the operating arrangement as claimed in claim 1, wherein at least for said two door handles 5,65, separate ones of said connecting elements 63,66 and said drive elements (bent ends of 63,66) are provided, the latter interacting with said driven element 62,68,112.

As to claim 3, Mitsui discloses, the operating arrangement as claimed in claim 2, wherein the drive elements (bent ends of 63,66) lie directly next to one another and said connecting elements 63,66 form the door handles 5,65 run parallel to one another at least in this region (Figure 11).

As to claim 4, Mitsui discloses, the operating arrangement as claimed in claim 1, wherein the drive elements (bent ends of 63,66) act on a reversing lever 61,74 on which the third connecting element 78 to the latching device 14 is secured.

As to claim 5, Mitsui discloses, the operating arrangement as claimed in claim 1, wherein the drive elements (bent ends of 63,66) are uncoupled from the third connecting element 78 to the latching device 14 such that driving only takes place in one direction of movement of the drive elements (bent ends of 63,66) relative to the connecting element 78.

As to claim 6, Mitsui discloses, the operating arrangement as claimed in claim 5, wherein uncoupled driving takes place by simple bearing of said drive elements (bent ends of 63,66) against a driving surface (edges of slots 64,67) on reversing lever 61,74.

As to claim 11, Mitsui discloses, a system for operating a sliding door in a vehicle, the system comprising: a door lock 7 for securing the door in its closed position, a latching device 8

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which can be arrested in a positive-locking manner, an inside door operating means having an inside door handle 65, an outside door operating means having an outside door handle 5, connecting elements 63,66,78, and a driven element 62,68,112 having opposed first and second ends; wherein the door lock 7 and the latching device 8 are operated mechanically by the inside and the outside door handles via respectively a first and a second of said connecting elements 63,66; logical functions for locking/unlocking the sliding door 3 are realized in the door lock 7; the first and the second connecting elements 63,66 connect to the first end of the driven element 62,68,112 and act via a pivoting of the driven element 62,68,112 to drive the latching device 8, the latching device 8 being coupled via a third one 78 of said connecting elements to the second end of said driven element, and wherein the first and the second connecting elements 63,66 are provided with driver elements (bent end portions of 63,66) located between the inside door handle 65 and the outside door handle 5 at a distance from the door lock 7 to effect the drivability of the driven element 62,68,112 by either one of the door handles 5,65. Dowling discloses the latching device L to hold the sliding door in its open position, and also the combination of a hold open latch L and a hold close latch D.

Claims 7-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mitsui US5618068 in view of Dowling US5893593, and further in view of Jyawook US6256932, and further in view of case law.

As to claim 7, Mitsui discloses the operating arrangement as claimed in claim 5. The difference between the claim and Mitsui is the claim recites, wherein the connecting elements are at least partially formed as Bowden cables. Jyawook discloses a door latch similar to that of Mitsui. In addition, Jyawook further teaches the equivalence of rods and Bowden cables as

mechanical links (col.1, ln.15-21). It would have been obvious to one of ordinary skill in the art, having the disclosures of Mitsui and Jyawook before him at the time the invention was made, to modify the rods of Mitsui to be replaced by the Bowden cables of Jyawook, to obtain connecting elements formed as Bowden cables. One would have been motivated to make such a combination because inasmuch as the references disclose these elements as art recognized equivalents, it would have been obvious to one of ordinary skill in the exercise art to substitute one for the other. In re Fout, 675 F.2d 297, 301, 213 USPQ 532, 536 (CCPA 1982).

As to claim 8, Mitsui discloses, the operating arrangement as claimed in claim 7, wherein said connecting elements 63,66,78 from the door handles 5,65 are continuous in a region of the drive elements (bent ends of 63,66). Jyawook teaches connecting elements that are Bowden cables, with sheaths being omitted in the region (Figure 15).

As to claim 9, Mitsui discloses, an operating arrangement for a sliding door 3, comprising: a door lock 13, a latching device 14 which can be arrested in a positive-locking manner, an inside door operating means having an inside door handle 65, an outside door operating means having an outside door handle 5, and a plurality of connecting elements 63,66,78 including a first connecting element 66 coupled to the inside door operating means 65, a second connecting element 63 coupled to the outside door operating means, and a third connecting elements 78 coupled to the latching device 14, a driven element 62,68,112 drivable by either one of the inside door handle 65 and the outside door handle 5 via respectively the first connecting element 66 or the second connecting element 63 to act on the latching device 14 via the third connecting element 78, wherein the door lock 13 and the latching device 14 are able to be operated mechanically by the door handles 5,65 via said plurality of connecting elements

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63,66,78, and logical functions for locking/unlocking the sliding door are realized in the door lock 13, and wherein the connecting elements 63,66,78 are provided with drive elements (bent ends of 63,66) located between the two door handles 5,65 at a distance from the door lock 13 to effect the drivability of the driven element 62,68,112 by either one of the door handles 5,65; wherein individual ones of the plurality of connecting elements 63,66,78 are rods, and said rods of the first and second connecting elements 63,66 from the door handles 5,65 are continuous in a region of the drive elements (bent ends of 63,66), the driven element 62,68,112 comprising a reversing lever 61,74 pivotally mounted within a housing body (door 3). Dowling teaches the latching device L serves for holding the sliding door in its open position, and also teaches the combination of a hold open latching device L and a hold close latching device D; Bowden cables in place of rods, wherein Bowden cable sheaths are omitted in the region of a drive element (where the cables meet the lever in Figure 15), and a driven element comprising a reversing lever pivotally mounted within a housing body 254 in Figure 15, and Bowden cable sheaths of the first and second connecting elements are end molded onto walls of the housing body (Figure 15) on which the reversing lever is pivotally mounted.

Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mitsui US5618068 in view of Dowling US5893593, and further in view of Jyawook US6256932, and further in view of case law, and further in view of Pastva US3857594.

As to claim 10, Mitsui discloses, the operating arrangement as claimed in claim 9. The difference between the claim and Mitsui is the claim recites, said housing body is of substantially mirror-symmetrical formation. Pastva discloses a sliding door lock assembly similar to that of Mitsui. In addition, Pastva further teaches the operating arrangement of the system is contained

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in a housing 10 that consists of two mirror symmetrical halves 12,14. It would have been obvious to one of ordinary skill in the art, having the disclosures of Mitsui and Pastva before him at the time the invention was made, to modify the operating arrangement of Mitsui to be contained in a symmetrical housing, as in Pastva, to obtain a housing body around the operating arrangement. One would have been motivated to make such a combination because it is old and well known in the art to provide door-operating assemblies with housings for protection from the elements. For further evidence, applicant is directed to GB2240583 (Abstract) and DE3934982A (Abstract), with both references teaching the advantages of using a housing as being old and well known in the art.

Response to Arguments

Applicant's arguments with respect to claims 1-11 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US4756563 to Garwood discloses a vehicle door latch and advantages of housings.

US4763936 to Rogakos discloses a power operated door latch having Bowden cables to actuate levers.

US5338076 to Tanaka discloses a housing for an actuator; said housing being mirror-symmetrical (see Figure 6).

US6398271 to Tomaszewski discloses a control assembly for sliding doors having Bowden cables and actuated levers, and also two latches 14,16.

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DE3934982A1 to Nau discloses the old and well-known motivation for providing a housing.

GB2240583 to Kaiser discloses the old and well-known motivation for providing a housing.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas Y Ho whose telephone number is (703)305-4556. The examiner can normally be reached on M-F 10:00AM-6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J. J Swann can be reached on (703)306-4115. The fax phone number for the organization where this application or proceeding is assigned is (703)872-9326.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)306-1113.

TYH



J. J. SWANN
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